

REMARKS

Claims 1-6 are pending. No amendments have been made by way of the present submission, thus, no new matter has been added.

Unity of the Invention

In pages 2-4 of the Outstanding Office Action the Examiner states that the present claims are not so linked as to form a single general inventive concept pursuant to PCT Rule 13.1. In particular, the Examiner states that pursuant to PCT rule 13.2 the claims lack the same or corresponding special technical feature. The Examiner has separated the claims into the following groups;

1. Claims 1-6, drawn to a method of screening a physiologically active substance.
2. Claim 17, drawn to a physiologically active substance that increases or decreases growth of yeast of yeast in presence of a test sample.
3. Claims 7-16 and 18, drawn to a transformed yeast.

Applicants respectfully traverse. The present claims requires a transformed yeast capable of expressing a heterogeneous protein and showing a change in a growing state in an expression state of the protein as compared to that in a non-expression state of the protein. This is at least one of the special technical features shared by the present claims. Moreover, Applicants respectfully submit that there exist no under burden for the Examiner to search all claims in their entirety.

However, in order to be fully responsive to the Outstanding Office Action Applicants hereby elect Group I, directed to claims 1-6. This is an election with traverse.


Based on the above, favorable action on the merits is respectfully solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie, Registration No 42,874 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: October 25, 2006

Respectfully submitted,

↑ By 
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant